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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,238	10/31/2003	Kazuo Okada	SHO-0046	9021
23353	7590	11/02/2006	EXAMINER	
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			HSU, RYAN	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

NT

<b>Office Action Summary</b>	<b>Application No.</b> 10/697,238	<b>Applicant(s)</b> OKADA ET AL.	
	<b>Examiner</b> Ryan Hsu	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

In response to the amendments filed on 8/17/06, claims 1 and 3 have been amended and claim 2 has been canceled without prejudice. Moreover, claims 4-7 have been added. Claims 1, 3-7 are pending in the current application.

***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 3-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 10/697,027. Although the conflicting claims are not identical, they are not patentably distinct from each other because although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed towards a gaming machine that comprises a variable display device that displays designs or symbols. Additionally, they include a front electric display which consist

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from a group of at least a liquid crystal display panel or series of light emitting diodes. This display uses a light guiding plate to create an illuminating effect for the display device so that a gaming machine can produce several different array of symbols and designs that compliment the basic reel display device commonly found in game machines. The two sets of claims have simply been rearranged so that they are claimed in different orders and are directed towards the same device except one uses a light emitting diode and the other a liquid crystal display. However, these are different forms of lighting display devices and perform the same function therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use either type of lighting device to perform the same functions as described in the claims. Therefore it would be obvious that these two inventions are not patentably distinct but simply have used alternative synonyms and language structure to detail the same invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (US 6,623,006) and Loose et al. (EP 1,260,928 A2) and further in view of Seitz et al. (WO 00/49332).**

Regarding claims 1, and 3-4, Weiss teaches a gaming machine that comprises a variable display device for variably display symbols (*ie: mechanical reel set*) (*see reels [64, 66, 68] of Fig. 1 and the related description thereof*) and an electric display device disposed with a variably display device (*see lcd display [20] of Fig. 1 and the related description thereof*) and having a light transparent area which shows symbols display on the variable display device from outside of the gaming machine (*see transparent areas [54] of Fig. 1 and the related description thereof*). Additionally, Weiss' gaming machine comprising an electric display panel displays an image (*see Fig. 2 and the related description thereof*). Furthermore, the electronic display device comprises of inherently has a light guiding plate having an opposing pair of flat surfaces and a plurality of contiguous side faces extending therebetween and peripherally about the pair of flat surfaces and a light guiding plate operative for guiding light entered from at least one side face thereof to a back face of the electric display panel so as to irradiate the light (*see col. 3: ln 65-col. 4: ln 16*). These limitations describe a basic principle of the way flat electronic display displays operate. Therefore would be obvious to one of routine skill in the art at the time the invention was made. Furthermore, these display devices produce a useable display by using an illumination device that illuminates the electronic display panel from behind in order to allow the screen to operate, typically this type of operation is done through a fluorescent lighting layer. Modern electric display devices also include a diffusion sheet being disposed between the electric display panel and the illumination

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device. However, Weiss is silent with regard to the electric display panel being in front of the variable display device, a reflection plate that is disposed between the variable display device and the light guiding plate for reflecting light emitted from the emitting diodes on the light guiding play to the electric display panel, and the use of a light emitting diode to be used as a lighting layer.

In an analogous gaming patent, Loose et al. teaches the implementation of an electric display device in front of a variable display device. Loose teaches the use of a transmissive video display so that it can allow a user to view the video image without interfering with the variable display device behind it (*see paragraph [0020]*). Loose also teaches the implementation of a light guiding plate that allows for reflecting light emitted from the display to the electric display panel (*see display [18] and mirror [20] of Figs 2(a-b) and the related description thereof*). One would be motivated to incorporate this type of setup with two display devices in order to creating a more stimulating and interactive experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Loose with the game system of Weiss in order to create a game machine that incorporated a game machine that incorporated a variable display device and an electric display device with one another. However, Weiss and Loose are still silent with regards to the incorporation of light emitting diodes to be used in the lighting layer as discussed above.

Seitz, in an analogous display patent, teaches the implementation of a LED back lighting apparatus (*see pg. 21-22*). Although it is incorporated with fuel dispensers it is pertinent to the art at hand as it teaches a way to implement a LED display in an electric

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system. Seitz teaches an eight lighting assembly that includes a plurality of light emitting diodes that are disposed on a display device in a matrix form that irradiates the light for a display screen device (*see Fig. 7 and the related description thereof*). Seitz teaches the appearance and state of the art in display devices that LED used to illuminate a display device as the lighting layer is old and well known in the display arts. Therefore it would have been obvious to one of ordinary skill in the art to easily incorporate a light emitting diode as opposed to florescent lights at the time the invention was made.

Regarding claim 5, Seitz teaches a gaming machine that comprises a diffusion sheet, wherein the plurality of light emitting diodes oppose a back face of the diffusion sheet (*see Fig. 7 and the related description thereof*).

Regarding claim 6, Weiss teaches a gaming machine that comprises a diffusion sheet, wherein the diffusion sheet is disposed between the electric display panel and the illumination device (*see Fig. 2 and the related description thereof*).

Regarding claim 7, Weiss teaches a gaming machine that comprises a diffusion sheet, wherein the plurality of light emitting diodes oppose a back face of the diffusion sheet and the diffusion sheet is disposed between the electric display panel and the illumination device (*see Fig. 2 and the related description thereof*).

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new grounds of rejection.

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*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Wells et al. (US 6,517,437)** – Casino Gaming Apparatus with Multiple Displays.

**Cole (US 6,475,087)**- Gaming Apparatus.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Hsu whose telephone number is (571)272-7148.

The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571)272-6788. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



RH



**SCOTT JONES**  
**PRIMARY EXAMINER**

10/26/2006